IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10366 OF 2004

B. Madhav Rau : Petitioner

V/s.

Bank of Baroda & Ors. : Respondents

...

Ms A.N. Helekar for the petitioner.

None present for the respondents.

...

CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

February 3, 2005.

P.C.:

1. By this petition, the petitioner has challenged the order of his compulsory retirement.

2. In the departmental inquiry held against the petitioner, who was a Senior Manager of Bank of Baroda, the following charges were framed against him:-

> "1. He misused and abused his position as the Sr. Manager.
>
> 2. He violated/flouted the rules and procedures of the Bank and unauthorisedly exceeded his dis-

cretionary lending powers.

3. He did not take all possible steps to ensure and protect the interest of the Bank, but in fact took such steps and did such acts of omissions and commissions as were derogatory, detrimental, prejudicial and injurious to the interest of the Bank.

4. He did not maintain discipline in all the transactions.

5. He misrepresented and/or suppressed material facts from higher authorities.

6. He did not take steps to ensure and protect the interest of the Bank.

7. He did not discharge his duties with integrity and honesty and took such actions and committed such omissions, which showed a lack of probity, integrity, honesty and bonafides.

8. His irregular actions have caused or are likely to cause serious financial loss to the Bank.

9. He acted in a manner unbecoming of a Bank Officer."

3. Except allegations 4, 5 and 7, all other charges were proved and the petitioner was found guilty. The petitioner preferred an appeal before the Appellate Authority under regulation 17 of Bank

of Baroda Officer Employees' (Discipline & Appeal) Regulations, 1976 (hereinafter referred to as the "Regulations"). After a detailed

discussion, the Appellate Authority observed that the following charges were held as proved against the petitioner:-

> "(1) He misused and abused his position as the Senior Manager.
>
> (2) He violated/flouted the rules and procedures of the Bank and unauthorizedly exceeded his discretionary lending powers.
>
> (3) He did not take all possible steps to ensure and protect the interest of the Bank but in fact took such steps and did such acts of omissions and commissions as were derogatory, detrimental, prejudicial and injurious to the interest of the Bank.
>
> (4) He did not take steps to ensure and protect the interest of the Bank.
>
> (5) His irregular actions have caused or are likely to cause serious financial loss to the Bank and
>
> (6) He acted in a manner unbecoming of a Bank Officer."

4. Being aggrieved by the order, the petitioner filed Review Petition as per regulation 17 of the Regulations. That Review Petition was also dismissed by the Revision Authority by order dated

27.5.2004. Being aggrieved by that, the petitioner has approached this Court in its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. We have heard the learned counsel for the petitioner at length. In our considered opinion, no interference is called for. This Writ Petition being devoid of any merit is, accordingly, dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.